

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	AMMAR HARRIS,	Case No. 3:21-cv-00380-RCJ-CLB
4	Plaintiff	ORDER
5	v.	
6	ELY STATE PRISON STAFF et al.,	
7	Defendants	
8		

9 **I. DISCUSSION**

10 On July 26, 2022, the Court issued a screening order on the second amended
11 complaint and granted Plaintiff until August 25, 2022, to file a third amended complaint or
12 the case would proceed only on the Eighth Amendment claim of deliberate indifference
13 to inmate safety against Defendants Cole and Boyd. (ECF No. 29 at 20-21). Plaintiff
14 submits a motion for an extension of time to file his third amended complaint. (ECF No.
15 33).

16 The Court grants the motion for an extension of time. Plaintiff will file the third
17 amended complaint on or before September 23, 2022. If Plaintiff chooses not to file a
18 third amended complaint, this case will proceed on the Eighth Amendment claim of
19 deliberate indifference to inmate safety against Defendants Cole and Boyd. (ECF No. 29
20 at 21).

21 Plaintiff submitted a notice/proposed third amended complaint and motion for leave
22 to file that complaint shortly before the Court entered its screening order on the second
23 amended complaint. (See ECF Nos. 27, 28, 29). The screening order did not
24 acknowledge the proposed third amended complaint or the motion for leave to file that
25 complaint and ultimately gave Plaintiff leave to file a third amended complaint. For clarity,
26 the Court denies the proposed third amended complaint and motion for leave to file that
27 complaint (ECF Nos. 27, 28) as moot and directs Plaintiff to file a new third amended
28 complaint in compliance with the Court's July 26, 2022, screening order. To avoid docket

1 confusion, the Court will direct the Clerk of the Court to strike the proposed third amended
2 complaint and motion for leave to file that complaint (ECF Nos. 27, 28).

3 **II. CONCLUSION**

4 For the foregoing reasons, it is ordered that the motion for extension of time (ECF
5 No. 33) is granted. Plaintiff will file his third amended complaint on or before September
6 23, 2022.

7 It is further ordered that the proposed third amended complaint and motion for
8 leave to file that complaint (ECF Nos. 27, 28) are denied as moot. The Clerk of the Court
9 will strike those filings (ECF Nos. 27, 28) from the docket.

10 It is further ordered that, if Plaintiff fails to timely file his new third amended
11 complaint, this action will only proceed on the Eighth Amendment claim of deliberate
12 indifference to inmate safety as against Defendants Cole and Boyd.

13 DATED: August 19, 2022.



14
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28